

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 ERIK ESTAVILLO,) Case No.: C 09-5485 PVT
13 Plaintiff,)
14 v.)
15 MICROSOFT CORPORATION, et al.,)
16 Defendants.)

**ORDER DEEMING MOTION TO DISMISS
TO BE NOTICE OF DISMISSAL PURSUANT
TO FEDERAL RULES OF CIVIL PROCEDURE
41(a)(1)(A)(i)**

18 On January 29, 2010, Plaintiff filed a document in which he states he moves to dismiss this
19 case.¹ Based on said document and the file herein,

20 IT IS HEREBY ORDERED that Plaintiff's motion is deemed to be a notice of dismissal
21 pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) (a "plaintiff may dismiss an action
22 without a court order by filing: (i) a notice of dismissal before the opposing party serves either an
23 answer or a motion for summary judgment"). The clerk of the court may close the file.

24 | Dated: *March 25, 2010*

Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

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3 ***Counsel automatically notified of this filing via the court's Electronic Case Filing system.***

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5 copies mailed on 3/26/10 to:

6 Erik Estavillo
7 3284 Cortese Circle
7 San Jose, CA 95127

8

9 /s/ Donna Kirchner for
10 MARTHA BROWN
10 Courtroom Deputy

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